



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8ENF-AT-TP

APR 5 - 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lance Johnson, V.P. - Manufacturing
Valley Queen Cheese Factory
P.O. Drawer 351
Milbank, South Dakota 57252

Re: Notice of Noncompliance (NON) - Clean Air Act (CAA) section 112(r)(7)

Dear Mr. Johnson:

On March 17, 2016, the U.S. Environmental Protection Agency Region 8 inspected Valley Queen Cheese Factory (VQCF), located in Milbank, South Dakota, to evaluate compliance with CAA section 112(r)(7) and Emergency Planning and Community Right-To-Know Act (EPCRA) sections 312 and 313. The inspection revealed compliance deficiencies with the facility's implementation of the Risk Management Plan (RMP) requirements of CAA section 112(r)(7) and the Tier II reporting requirements of EPCRA section 312. The EPCRA section 312 deficiencies were addressed in a separate correspondence mailed on February 8, 2017.

Based on the facts and circumstances surrounding the noncompliance at this facility, the EPA is exercising its discretion and not taking a formal enforcement action for failure to comply with CAA section 112(r)(7). Instead, the EPA is issuing this Notice of Noncompliance (NON) to give VQCF an opportunity to immediately resolve the deficiencies. **This office is authorized to issue the NON on a one-time basis only. Non-compliance identified subsequent to the NON being issued will result in penalties being assessed against that facility.**

To resolve this matter, **within 30 days of receipt of this letter**, VQCF must submit a signed Statement of Certification (enclosed) confirming that VQCF is in compliance with CAA section 112(r)(7) and that the specific deficiencies identified below have been corrected. If the Statement of Certification is not submitted in the time specified, VQCF may be subject to penalties for failure to comply with CAA section 112(r)(7).

Deficiencies with Implementation of CAA 112(r)(7) – RMP:

1. **Requirement found at Subpart D – Prevention Program – Operating Procedures [68.69(c)]:**
The owner or operator shall certify annually that these operating procedures are current and accurate.
 - **VQCF could only provide one signed certification dated 3/15/2016. There were no records that the operating procedures were certified for 2013, 2014 or 2015.**

2. Requirement found at Subpart D – Prevention Program – Mechanical Integrity [68.73(d)(1)]:
Inspections and tests shall be performed on process equipment.

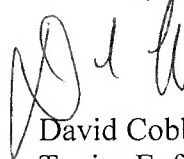
- **VQCF was unable to produce records for the 2015 annual inspections of the ammonia piping.**
- *IIAR Bulletin 110 Guidelines for Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems*, section 6.7 discusses annual inspections of ammonia piping.
 - 6.7.1 Uninsulated Piping states, “All uninsulated piping and associated components such as flanges and supports shall be inspected annually for any damage to or deterioration of the piping or its protective finish; take remedial action where necessary.”
 - 6.7.2 Insulated Piping states, “At least as part of the annual piping inspection, but preferable more frequently, the external condition of the insulation and supports shall be inspected.”

The enclosed Statement of Certification shall be signed and mailed to the address below within 30 days of receipt of this letter:

Janis Robinson, SEE Inspector
U.S. Environmental Protection Agency Region 8 (8ENF-AT-TP)
1595 Wynkoop Street
Denver, Colorado 80202

If you have questions related to this correspondence, the inspection findings or need any clarification regarding compliance issues, please contact Janis Robinson at 303-312-6149 or robinson.janis@epa.gov.

Sincerely,



David Cobb, Unit Chief
Toxics Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice

Enclosure

STATEMENT OF CERTIFICATION

Valley Queen Cheese Factory

I certify that I am authorized to respond to this Notice of Noncompliance (NON) and, on behalf of Valley Queen Cheese Factory (VQCF), I certify under penalty of perjury that VQCF is in compliance with section 112(r)(7) of CAA and that the deficiencies listed in this NON have been corrected. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

(Name)

(Signature)

(Title)

(Date)